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Attorneys for Plaintiff
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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

TRAYVON SMITH,

Defendant.

CASE NO. 1:21-CR-00227-JLT-SKO

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER

DATE: September 7, 2022
TIME: 1:00 p.m.
COURT: Hon. Sheila K. Oberto

This case is set for status conference on September 7, 2022. By this stipulation, defendant now moves to vacate the status conference and set this case for a change of plea hearing before Judge Jennifer L. Thurston on October 7, 2022 at 9:00 a.m. and to exclude time between September 7, 2022, and October 7, 2022, under 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4].

1. The parties agree and stipulate, and request that the Court find the following:

a) The government has represented that the discovery associated with this case includes investigative reports and related documents, media evidence including cell phone extractions, photographs, search warrant affidavits, and social media account data. All this discovery has been either produced directly to counsel and/or made available for inspection and copying.

b) Counsel for defendant desires additional time to consult with his client and prepare for the change of plea and sentencing.

1 c) Counsel for defendant believes that failure to grant the above-requested
2 continuance would deny him/her the reasonable time necessary for effective preparation, taking
3 into account the exercise of due diligence.

4 d) The government does not object to the continuance.

5 e) Based on the above-stated findings, the ends of justice served by continuing the
6 case as requested outweigh the interest of the public and the defendant in a trial within the
7 original date prescribed by the Speedy Trial Act.

8 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
9 et seq., within which trial must commence, the time period of September 7, 2022 to October 7,
10 2022, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
11 T4] because it results from a continuance granted by the Court at defendant's request on the basis
12 of the Court's finding that the ends of justice served by taking such action outweigh the best
13 interest of the public and the defendant in a speedy trial.

14 2. Nothing in this stipulation and order shall preclude a finding that other provisions of the
15 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
16 must commence.

17 IT IS SO STIPULATED.

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20 Dated: August 31, 2022

PHILLIP A. TALBERT
United States Attorney

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22 /s/ JUSTIN J. GILIO
JUSTIN J. GILIO
Assistant United States Attorney

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25 Dated: August 31, 2022

/s/ Eric Kersten
Eric Kersten
Counsel for Defendant
Trayvon Smith

ORDER

IT IS SO ORDERED.

DATED: 8/31/2022

Sheila K. Oberto

THE HONORABLE SHEILA K. OBERO
UNITED STATES MAGISTRATE JUDGE